The State's Role
Responsibility & Responses
To State and Local Interests

A Water Strategy (?)

December 15, 2000

The numbers ~ population growth

- 1.5 M -- surface code adopted (1917)
- 3.5 M -- last time code updated (1971)
- 5.6 M -- today
- 7.0 M -- by 2010
- Eastern ≠ Western Washington:
  - economics, total population, and water supply are not similar
  - growth rates are similar

The numbers ~ endangered fish

- Over 20 listed salmon/trout/steelhead runs
- 16 over-appropriated basins: instream flows critical to recovery
- 7 salmon recovery areas – most of the state

The numbers ~ water rights

- 7000 water right applications (including 1600 changes)
- 8000 new “exempt” water supply wells drilled each year
- 10,000 certificates for public water supply questioned by case law
- 170,000 unadjudicated water right claims (2/3 of the rights in the state)

A matter of belief ~ water as

- Ag ~ a full property right beyond the purview of government
- Cities ~ a right needed to meet the duty to serve planned growth
- Enviros ~ belonging to the state to be held in the public trust

A matter of belief ~ water as

- **Business ~ an affordable/timely resource for economic growth**
- **Tribes ~ allocated by treaties and reserved for future uses**
- **Feds ~ owned by federal projects (irrigation/hydropower/reserved)**

  ~ ESA requirements first

What do they want?

- Ag ~ no loss of rights (relinquishment); spread rights to new acres
- Muni's ~ restore certainty of rights; flexibility to move rights to growth
- Enviros ~ achieve fish flows; conservation of water
- Business ~ affordable supplies; timely transactions

Reform: Many have tried ...

1988 ~ Water Efficiency Task Force

~ Joint Select Committee on Water Resources Policy

1990 ~ Chelan Agreement

~ Water Resources Forum

1992 ~ Data Management Task Force

1993 ~ Water Rights Fee Task Force

~ Legislative Water Caucus

And tried ...

1994 ~ Water Leadership Group

1996 ~ Joint Select Committee on Water Rights Transfers

1997 ~ Municipal Work Group

1998 ~ Four Corners/Watershed Planning Act

1999 ~ Salmon and Water bill

2000 ~ “Two lines;” water storage

Lessons learned ...

- All stakeholders must be involved from the start
- But stakeholders will not reach agreement or make tough decisions
- Top leadership is needed to discipline the process and bring closure
- Lack of public understanding and trust makes leadership difficult/risky

A Water Strategy……..

- Principles affirming people and fish
  - ✔population growth
  - ✔salmon recovery
  - ✔rural economic development
- A preferred future
  - ✔a natural resource base
  - ✔a water market
  - ✔information-based management
  - ✔shared governance
  - ✔a modern water code

Establish a natural resource base

- Adequate quantity/quality for properly functioning, healthy watershed
- Sufficient to meet esthetic, recreational and other human needs for streamflows
- Base is defined, established and set aside in each watershed

Market water rights

- Market system largely replaces the water allocation and permit system
- Efficiencies (conserve, reuse) are driven by market forces
- Simple market rules ensure fairness and address impairment
- Market generates funds to support the market and natural base systems
- Basic family needs are protected in the market

Information-based management

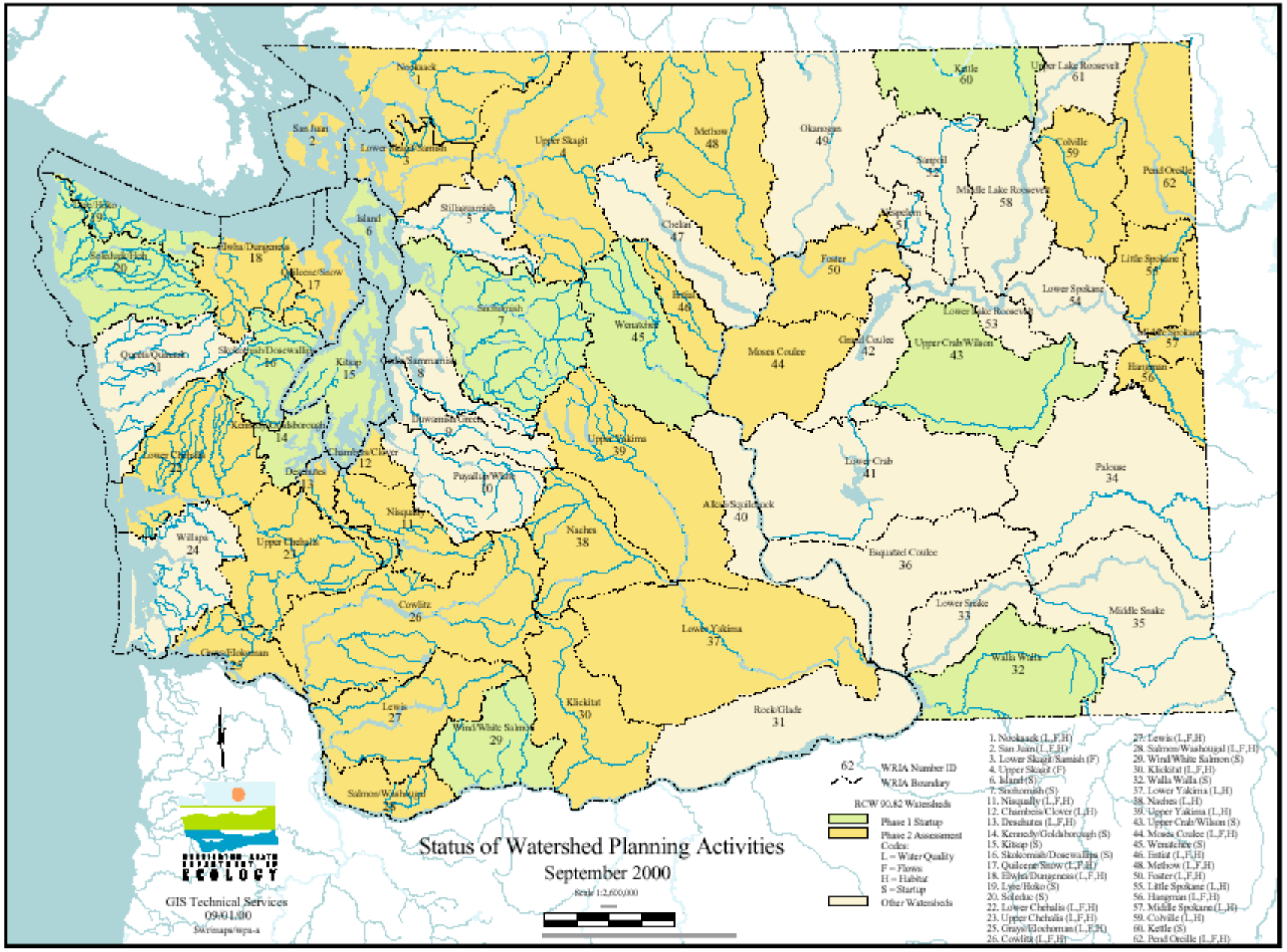
- Monitoring of surface and ground water conditions
- Measurement and reporting of all water use
- Market information is readily available to all parties
- Clearly defined water rights, fully adjudicated

Shared governance

- Water management responsibilities divided among governments
- State governance role with the natural resource base, and tribal/federal relationships
- Local governance role with the market, linked to land use decisions

Watershed plans

- May address water quality/habitat
- Required to address water quantity
- Shall include strategies to meet both instream flows and future needs for water
- Under way in 2/3 of the state


Nooksack 1
San Juan 2
Lower Skagit/Samish 3
Upper Skagit 4
Methow 48
Okanogan 49
Kettle 60
Upper Lake Roosevelt 61
Colville 59
Pend Oreille 62
Middle Lake Roosevelt 58
Stillaguamish 5
Chelan 47
Foster 50
Little Spokane 56
Lower Spokane 54
Lower Lake Roosevelt 53
Middle Spokane 57
Hangman 56
Island 6
Elwha/Dungeness 18
Quilcene/Snow 17
Snohomish 7
Wenatchee 45
Entiat 46
Moses Coulee 44
Grand Coulee 42
Upper Crab/Wilson 43
Quillayute 21
Hoh/Quillayute 20
Lyre/Hoko 19
Skokomish/Dosewallips 16
Kitsap 15
Cedar/Sammamish 8
Duwamish/Green 9
Kennedy/Goldsborough 14
Upper Yakima 39
Lower Crab 41
Palouse 34
Lower Chehalis 22
Chambers/Clover 12
Deschutes 13
Puyallup/White 10
Nisqually 11
Alkali/Squilchuck 40
Willapa 24
Upper Chehalis 23
Naches 38
Esquatzel Coulee 36
Cowlitz 26
Lower Yakima 37
Lower Snake 33
Middle Snake 35
Grays/Elokoman 25
Walla Walla 32
Klickitat 30
Rock/Glade 31
Lewis 27
Wind/White Salmon 29
Salmon/Washougal 28
62 WRIA Number ID
WRIA Boundary
RCW 90.82 Watersheds
Phase 1 Startup
Phase 2 Assessment
Codes:
L = Water Quality
F = Flows
H = Habitat
S = Startup
Other Watersheds
1. Nooksack (L,F,H)
2. San Juan (L,F,H)
3. Lower Skagit/Samish (F)
4. Upper Skagit (F)
6. Island (S)
7. Snohomish (S)
11. Nisqually (L,F,H)
12. Chambers/Clover (L,H)
13. Deschutes (L,F,H)
14. Kennedy/Goldsborough (S)
15. Kitsap (S)
16. Skokomish/Dosewallips (S)
17. Quilcene/Snow (L,F,H)
18. Elwha/Dungeness (L,F,H)
19. Lyre/Hoko (S)
20. Soleduc (S)
22. Lower Chehalis (L,F,H)
23. Upper Chehalis (L,F,H)
25. Grays/Elochoman (L,F,H)
26. Cowlitz (L,F,H)
27. Lewis (L,F,H)
28. Salmon/Washougal (L,F,H)
29. Wind/White Salmon (S)
30. Klickitat (L,F,H)
32. Walla Walla (S)
37. Lower Yakima (L,H)
38. Naches (L,H)
39. Upper Yakima (L,H)
43. Upper Crab/Wilson (S)
44. Moses Coulee (L,F,H)
45. Wenatchee (S)
46. Entiat (L,F,H)
48. Methow (L,F,H)
50. Foster (L,F,H)
55. Little Spokane (L,H)
56. Hangman (L,F,H)
57. Middle Spokane (L,H)
59. Colville (L,H)
60. Kettle (S)
62. Pend Oreille (L,F,H)
Status of Watershed Planning Activities
September 2000
Scale 1:2,600,000
GIS Technical Services
09/01/00
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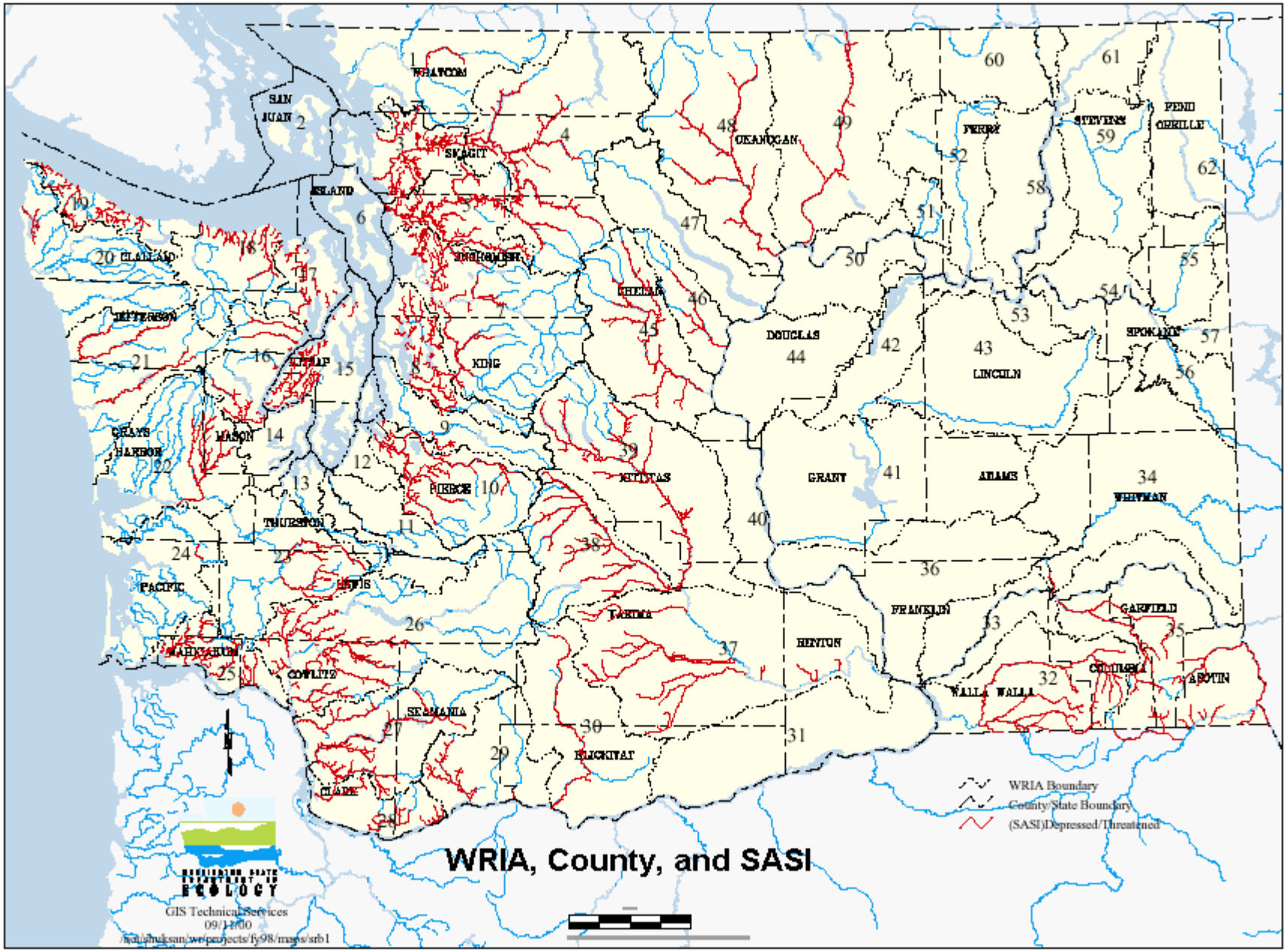
Key Problems with the code

- Use it or lose it -- incentive to save?
- Growing communities
  - certainty of water rights?
  - flexibility to move water?
- ✔ Inchoate (unused) certificates under a legal cloud
- ✔ Place of use ~ GMA UGAs, water system plans and water rights are not aligned
- ✔ Unused rights can not be moved
- ✔ Interties can’t serve new growth

Problems because of the code

- Fish are out of water
- Water not where/when we need it
  - limited storage
  - no reuse infrastructure
- Limitation on marketing
  - inability to change water rights


WHATCOM
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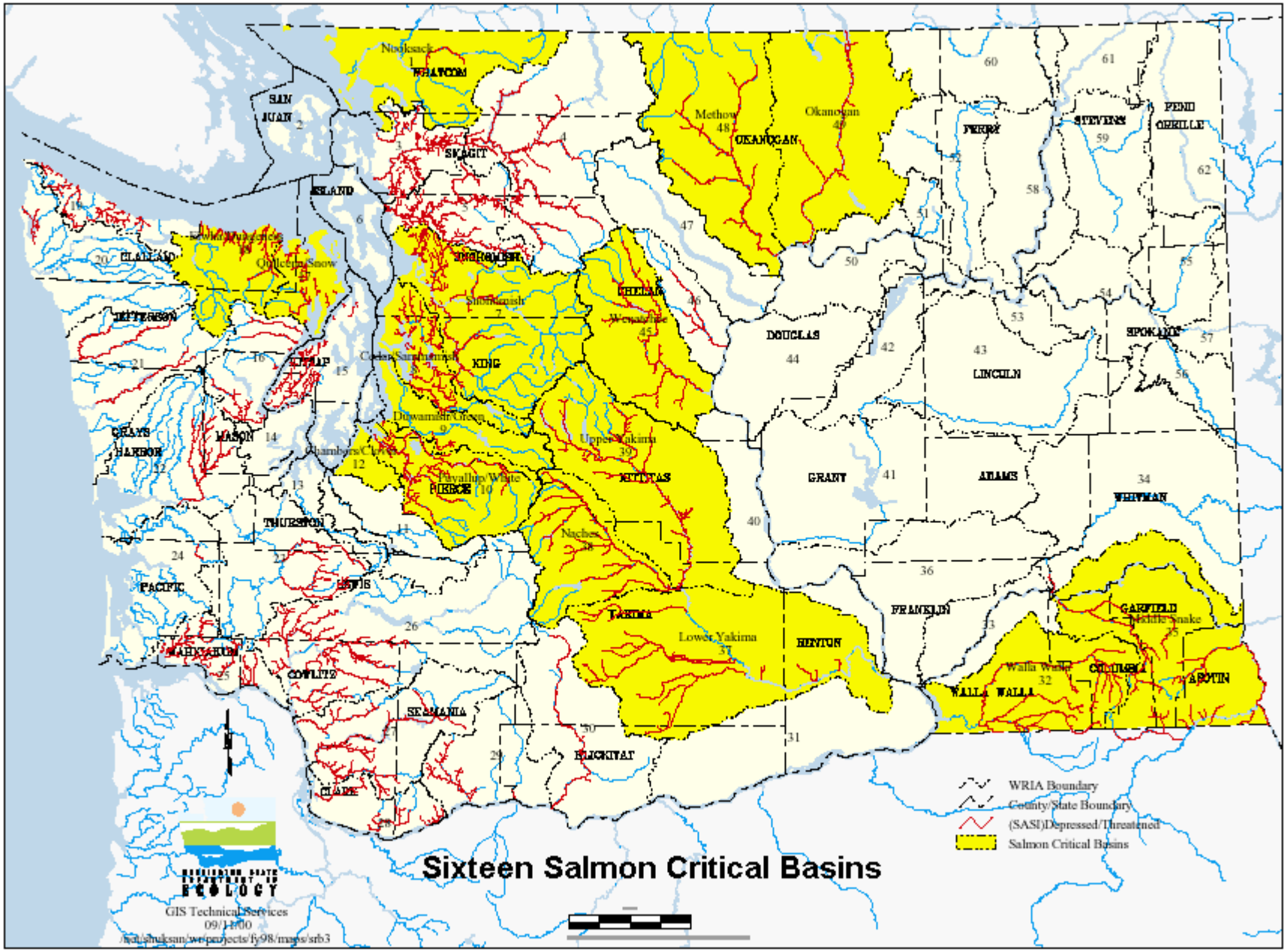
SKAGIT
ISLAND
SNOHOMISH
CLALLAM
JEFFERSON
KITSAP
KING
CHELAN
OKANOGAN
DOUGLAS
LINCOLN
PEND OREILLE
STEVENS
FERRY
SPOKANE
GRAYS HARBOR
MASON
PIERCE
KITTITAS
GRANT
ADAMS
WHITMAN
THURSTON
PACIFIC
LEWIS
YAKIMA
FRANKLIN
GARFIELD
COLUMBIA
WALLA WALLA
ASOTIN
WAHKIAKUM
COWLITZ
SKAMANIA
KLICKITAT
HENTON
CLARK
WRIA Boundary
County/State Boundary
(SASI)Depressed/Threatened
WRIA, County, and SASI
GIS Technical Services
09/14/00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LEWIS
FRANKLIN
GARFIELD
Middle Snake
TACOMA
Lower Yakima
BENTON
WAHKIAKUM
COWLITZ
Walla Walla
COLUMBIA
ASOTIN
WALLA WALLA
SKAMANIA
KLICKITAT
CLARK
WRIA Boundary
County/State Boundary
(SASI)Depressed/Threatened
Salmon Critical Basins
Sixteen Salmon Critical Basins
GIS Technical Services
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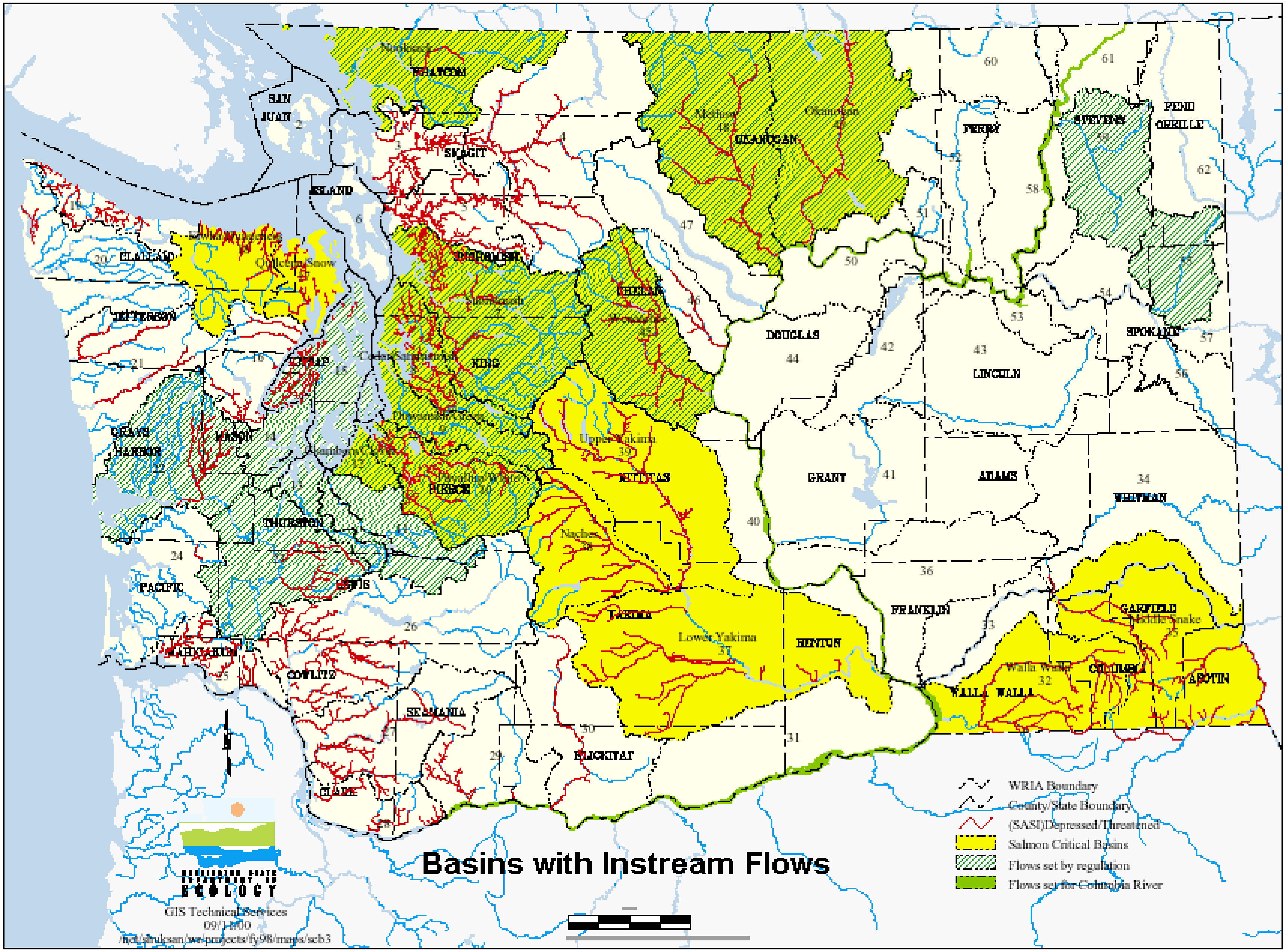
/hd1/shuksan/wr/projects/fy98/maps/srb3


Basins with Instream Flows
WRIA Boundary
County/State Boundary
(SASI)Depressed/Threatened
Salmon Critical Basins
Flows set by regulation
Flows set for Columbia River
WASHINGTON STATE DEPARTMENT OF ECOLOGY
GIS Technical Services
09/11/00
/net/shuksan/wr-projects/fy98/maps/scb3
WHATCOM
SAN JUAN
SKAGIT
ISLAND
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Walla Walla
Puyallup-White

Water storage

- Missing in water critical basins
- Dedicated to only one purpose in other basins
- Environmental issues (e.g., capturing flood waters)
- High costs

Water reuse

- Only municipalities get the incentive (exclusive right)
- Public confidence requires high level of treatment (and high cost), and separate infrastructure
- Downstream users must be compensated to their satisfaction

Water markets

- Changes are caught in line with new water applications
- Authority of local conservancy boards is being challenged
- Family farm permits can’t be converted to other uses
- Uncertain rights leads to lower buyer confidence

Strategy Initiatives

- Legislative options
- Administrative options
- Judicial options
- Local planning
- Communication
- Funding
- Regions Needing Solutions

Legislative options:

- ✔ Fix “use it or lose it”
- ✔ Adopt growing communities doctrine
- ✔ Invest to secure water for fish
- ✔ Support storage and reuse
- ✔ Make the market work

Options for Growing communities

- You can grow into your existing right
- You can move your unused right
- Interties can serve growth and fish
- Single state process for water supply planning and water right changes
- Existing water rights will be protected
- Natural resource obligations will be included

Options for Investing in water for fish

- Include fish needs in relinquishment and growing communities legislation
- Support watershed planning
- Support salmon recovery plans
- Buy water rights for salmon

Options for reuse and storage

- Allow industries an “exclusive right” to reclaimed water
- Utility tax break for investments in reuse treatment and infrastructure
- Coordinate and streamline permitting of storage projects
- Assist watershed planning groups with storage evaluations
- Create a fund source(s) for storage

Water market options

- Two lines -- process changes separately from new water permits
- Allow family farm permits to be converted (e.g., in UGAs)
- Restore authority of conservancy boards to process changes
- Create certified water rights examiners

Administrative options

- ✔ Rules (e.g., implement George T)
- ✔ Permit decisions (water short areas?)
- ✔ Enforcement (basin scale?)
- ✔ Data (water availability for GMA?)
- ✔ Negotiate tribal water rights

Judicial options

- ✔ multiple exempt wells
- ✔ municipal place of use
- ✔ adjudication of claims
- ✔ take on “water rights vs ESA”

Regions needing solutions

- ✔ Central Puget Sound
- ✔ Tri-Cities
- ✔ Yakima Basin
- ✔ Columbia Mainstem

Should we fix it……..

Or keep it broken?…..